

24-1394

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

KITSCH, LLC,
Plaintiff-Appellee,

v.

DEEJAYZOO, LLC,
Defendant-Appellant.

On Appeal from the United States District Court for the Central District of California in No. 2:19-cv-02556-JAK-RAO,
Judge John A. Kronstadt

**UNOPPOSED MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANT-APPELLANT**

Matthew J. Dowd
Dowd Scheffel PLLC
1717 Pennsylvania Ave., NW
Suite 1025
Washington, D.C. 20006
(202) 559-9175
mdowd@dowdscheffel.com

Counsel for Appellant

Pursuant to D.C. Rule of Professional Conduct 1.16, Matthew J. Dowd (of Dowd Scheffel PLLC) files this Motion to Withdraw as Counsel for Defendant-Appellant DeeJayZoo, LLC.

The current appeal stems from a declaratory judgment action filed by Plaintiff-Appellee. Defendant-Appellant filed counterclaims for design patent and trademark infringement. On June 9, 2023, the jury returned with a unanimous verdict, and judgment was entered on August 22, 2023, with an amended judgment entered on November 27, 2023.

Movant was formally retained on July 8, 2024, to pursue this appeal and was not trial counsel for Appellant.

Pursuant to D.C. Rule of Professional Conduct 1.16(b), an attorney may withdraw from representing a client for several reasons. Movant avers that at least one such authorized reason exists that merits withdrawal. Movant is prepared to further elaborate the reasons in greater detail to the Court, preferably *in camera*, if that were to be required.

Movant determined that he has complied with the D.C. Rules of Professional Conduct while proceeding with the current appeal.

Defendant-Appellant's address is understood to be: DeeJayZoo, LLC, 1090 King Georges Post Road, Suite 505, Edison, New Jersey

08837. Movant has served written notice of this motion upon Defendant-Appellant, via electronic mail, as specified in the Certificate of Service included with the present Motion.

On September 24, 2024, Movant conferred with counsel for Plaintiff-Appellee. Later the same day, counsel for Plaintiff-Appellee confirmed that Plaintiff-Appellee does not oppose. The full response of counsel for Plaintiff-Appellee is as follows:

We will not oppose your motion to withdraw but we would ask that you tell the Federal Circuit that this dispute has been pending for well over 5 years and we would like it resolved. As such, we would request that if your motion is granted, your client be given a fairly tight schedule to find new counsel to move this matter forward.

Email from M. Cantor (Sept. 24, 2024).

Based on the above explanation, Movant seeks leave to withdraw as counsel for Defendant-Appellant and respectfully submits that the present motion should be granted.

Date: September 25, 2024

Respectfully submitted,

/s/ Matthew J. Dowd

Matthew J. Dowd

Dowd Scheffel PLLC

1717 Pennsylvania Avenue, NW

Suite 1025

Washington, D.C. 20006

(202) 559-9175
mdowd@dowdscheffel.com

*Counsel for Defendant-Appellant
DeeJayZoo, LLC
(seeking to withdraw)*

FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 24-1394

Short Case Caption Kitsch LLC v. DeeJayZoo, LLC

Filing Party/Entity DeeJayZoo, LLC

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 09/25/2024

Signature: /s/ Matthew J. Dowd

Name: Matthew J. Dowd

FORM 9. Certificate of Interest

Form 9 (p. 2)
March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
DeeJayZoo, LLC		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
March 2023

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☒ Additional pages attached

See Attached.		

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Dowd Scheffel PLLC: Matthew J. Dowd

Dunlap Bennett & Ludwig, PLLC: Robert Greenspoon, Jonathan Hill, & Mark Magas

Fox Rothschild: John Joseph Shaeffer, Meeghan Henry Tirtasaputra

Greenberg Trauig: Herbert Harris Finn, Jonathan Edward Giroux, Maja Elizabeth Sherman, Matthew Ryan Gershman

Jayaram Law Group: Elizabeth Ann Austermuehle, Vivek Jayaram

Karish & Bjorgum: Alfred Eric Bjorgum, Christian Anthony Anstett

The Law Office of Griffin Lee: Griffin S. Lee

FORM 30. Certificate of Service

Form 30
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE****Case Number** 24-1394**Short Case Caption** Kitsch, LCC v. DeeJayZoo, LLC

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 09/25/2024

by ☐ U.S. Mail ☐ Hand Delivery ☒ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
DeeJayZoo, LLC c/o Jacquelyn De Jesu	jackie@shhhowercap.com

☐ Additional pages attached.Date: 09/25/2024Signature: /s/ Matthew J. DowdName: Matthew J. Dowd